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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/992,222	12/17/1997	WILLIAM A. HOBBS	INPA:056	3574

7590

06/05/2002

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EXAMINER

WILEY, DAVID ARMAND

ART UNIT

PAPER NUMBER

2158

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PA

**Office Action Summary**

Application No.

08/992,222

Applicant(s)

HOBBS ET AL.

Examiner

David A Wiley

Art Unit

2158

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amdt G.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-14,16-19,21-24 and 31-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,3-14,16-19,21-24 and 31-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2155

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-54 have been considered but are deemed moot in view of new rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-6 and 9-14, 16-19, 21-24, 31-54 are rejected under 35 U.S.C. 103(a) as being obvious over Gates (5,701,409) in view of Carlsson et al (US# 4,053,947).
  - a. As for claims 1, 16, 21, 22 and 31-33, Gates teaches a system to test a bus comprising at least one instruction memory to store a predefined bus stimuli instruction and at least one phase generator coupled between the bus and the instruction memory for providing signals to the bus in response to the predefined bus stimuli instruction (abstract) but fails to teach storing more than one command.

Art Unit: 2155

Official Notice is taken with regards to the storing of multiple commands in an instruction memory for the purpose of speeding up the time needed to process instructions.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use an instruction memory for multiple instruction, in Gates, to speed up processing.

Gates discloses all of the claimed limitations above except the use of multiple transaction phases.

Carlsson discloses a method for using multiple transaction phases in a related art to increase processing time and simplify a system.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gates, to include multiple phase transactions, as taught by Carlsson, to increase processing time and simplify a system.

- b. As for claim 4, it is inherently seen that the IC (phase generator) can also receive signals from the bus.
- c. As for claims 5, 17 and 23, it is inherently seen that some type of storing of predefined responses must be included for the device to compare results to detect errors.

Art Unit: 2155

- d. As for claims 6 and 18, Gates teaches the phase generator includes one digital logic device responsive to the instructions and one phase engine for controlling timing (abstract; col. 2, lines 40-45).
- e. As for claims 9 and 19, Gates teaches a control portion and data portion (col. 5, lines 27-45).
- f. As for claim 10, Gates inherently teaches the control portion includes a flow logic device.
- g. As for claim 11, Gates inherently teaches the phase engine includes at least on logic level translation device.
- h. As for claim 12, it is inherently seen that these phases are included since a PCI bus includes these phases.
- i. As for claims 13, 14, and 24, Gates teaches a data memory coupled to the data portion and that the data portion receives data from the bus (col. 5, lines 27-45).

Regarding claims 34-54, the rejection above covers all the claimed limitations disclosed in these claims.

- 4. Claims 3, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gates (5,701,409).

Art Unit: 2155

- a. As for claim 3, Gates inherently teaches the instruction comprises an instruction word (col. 2, lines 40-45). Gates doesn't teach that the instruction word has a predefined length. Official Notice is taken that instruction words of predefined lengths are well known in the art. It would have been obvious to a person of ordinary skill in the art, at the time of the invention, to have used instruction words of any length because they are only a matter of computer design.
- b. As for claims 7 and 8, Gates doesn't teach what the digital logic device comprises. Official Notice is taken that FPGA's and ASIC's are well known in the art. It would have been obvious to a person of ordinary skill in the art, at the time of the invention, to have used instruction words of any length because they are only a matter of computer design.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

Art Unit: 2155


1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Wiley whose telephone number is (703) 308-5221. The examiner can normally be reached on Monday thru Friday from 7:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh, can be reached on (703) 305-9648. The fax phone number for this Group is (703) 305-3718.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ayza.sheikh@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

  
DAVID WILEY  
PRIMARY EXAMINER